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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,492	12/29/1999	THOMAS J. FOTH	E-974	2311

7590                    04/11/2002

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[REDACTED] EXAMINER

WASYLCHAK, STEVEN R

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

2164

DATE MAILED: 04/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/474,492	FOTH ET AL	
	<b>Examiner</b>	Art Unit Steven R. Wasylchak	2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12/29/99
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

**Response to Amendment**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Rose et al (US 5,757,917).

As per claim 1,

A method for facilitating electronic refunds in an online commercial transaction, the method comprising the steps of:

A) establishing communication over a network between a payment computer and a buyer computer; / abstract; fig 1(115),12, 14, 20; col 1, lines 65-67 to col 2, line 6; col 4, lines 46-52

B) creating at the payment computer a vault having buyer funds therein and a refund account for a buyer; / col 3, lines 38-43; col 5, lines 25-30; col 6, lines 19-21, 33-37.

C) receiving at the payment computer a plurality of requests from the buyer computer to purchase items, each of the plurality of requests being associated with a corresponding one of the items; / fig 1(10); col 5, lines 60-64.

D) accepting the plurality of requests to purchase items and debiting the vault to

account for costs related to all of the items; / col 6, lines 19-21, lines 33-38. Rose et al fails to teach the feature of debiting.

Official notice is taken that this feature is old and well known in the e-commerce art and / or retail art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of maintaining proper accounting for subsequent audits.

E) receiving at the payment computer from the buyer computer a buyer selected request to refund the cost of at least one of the corresponding ones of the items; and / col 6, lines 19-20.

F) upon receipt of the request to refund, the payment computer accounting for the cost of the at least one of the corresponding ones of the items in the refund account and credits the vault with the cost of the at least one of the corresponding ones of the items thereby effectuating a refund to the buyer. / col 6, lines 19-20.

As per claim 2,

A method as recited in claim 1, further comprising the steps of processing additional buyer selected requests to refund the costs of other ones of the corresponding ones of the items and accounting for the costs of the other ones of the corresponding ones of the items in the refund account; and / col 6, lines 19-20.

-at times when a total cost of all requests to refund that are accounted for in the refund account exceed a threshold value, rendering the vault inactive. / col 6, lines 19-20, lines 33-37; col 3, lines 5-30

As per claim 3,

A method as recited in claim 2, further comprising ensuring that the buyer is compensated for buyer funds remaining in the vault at the time the vault is rendered inactive. / abstract; fig 1; col 6, lines 19-20, lines 33-37; col 3, lines 5-30

As per claim 4,

A method as recited in claim 3, further comprising keeping a transaction log of all of the buyer purchases and requests to refund. / fig 1; col 6, lines 19-20.

As per claim 5,

A method as recited in claim 4, further comprising the step of checking the transaction log to determine if the at least one of the corresponding ones of the items was previously purchased by the buyer and at times when the at least one of the corresponding ones of the items was not previously purchased by the buyer inhibiting step F) from occurring. / col 6, lines 19-20.

Rose et al fails to teach the feature log checking for previous and non-previous purchases.

Official notice is taken that this feature is old and well known in the e-commerce art and / or retail art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of preventing losses.

Art Unit: 2164

As per claim 6,

A method as recited in claim 5, further comprising checking the transaction log to determine if the buyer selected request to refund the cost of the at least one of the corresponding ones of the items was previously made and at times when the buyer selected request to refund the cost of the at least one of the corresponding ones of the items was previously made inhibiting step F) from occurring. / fig 1; col 6, lines 19-20.

As per claim 7,

A method as recited in claim 6, further comprising keeping at the payment computer a count of the number of additional requests to refund the costs of other ones of the corresponding ones of the items and inhibiting step F) from occurring if the number exceeds a threshold number. / fig 1; col 6, lines 19-20.

As per claim 8,

A method as recited in claim 7, further comprising at times when all costs accounted for in the refund account do not exceed the threshold value over a predetermined period of time, resetting the refund account to an initial value. / fig 1; col 6, lines 19-20.

As per claim 9,

A method as recited in claim 1, further comprising keeping a transaction log of all of the buyer purchases and requests to refund. / fig 1; col 6, lines 19-20.

Rose et al fails to teach the feature of a transaction log for purchases and refunds.

Official notice is taken that this feature is old and well known in the e-commerce art and / or retail art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of maintaining a proper "set of books" for accounting purposes.

As per claim 10,

A method as recited in claim 9, further comprising the step of checking the transaction log to determine if the at least one of the corresponding ones of the items was previously purchased by the buyer and at times when the at least one of the corresponding ones of the items was not previously purchased by the buyer inhibiting step F) from occurring. / col 6, lines 19-20.

As per claim 11,

A method as recited in claim 10, further comprising checking the transaction log to determine if the buyer selected request to refund the cost of the at least one of the corresponding ones of the items was previously made and at times when the buyer selected request to refund the cost of the at least one of the corresponding ones of the items was previously made inhibiting step F) from occurring. / col 6, lines 19-20.

3. Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Rose et al (US 5,757,917) as applied to claim 1 and further in view of Hawkins et al (US 6,029,146).

As per claim 12,

Rose et al discloses a computer having a computer-readable medium including computer-executable instructions for performing the steps in the computer-implemented method of claim 1. / abstract; fig 1(115), 12, 14, 20; col 6, lines 19-20.

Rose et al fail to teach the feature of a broker computer. However, Hawkins et al discloses a broker computer (col 25: claim 18). It would have been obvious to one of ordinary skill in the art to implement this feature for the advantage of a decentralized network system as in the seller's agent (fig 1(115), col 6, lines 35-36) for faster feedback in accessing accounts.

This action is **NON-FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thurs from 7:00 a.m. to 7:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 2164 is (703) 308-1396.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Steyen Wasylchak  
*SW*  
4/4/02

VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
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